



Control Number: 51874



Item Number: 4

Addendum StartPage: 0

DOCKET NO. 51874

2021 JUN 10 AM 10:02

PUBLIC UTILITY COMMISSION
FILING CLERK

COMPLAINT OF DGSP2, LLC
AGAINST THE ELECTRIC
RELIABILITY COUNCIL OF TEXAS,
INC.

§
§
§
§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS

DGSP2 LLC'S STATUS REPORT AND MOTION TO CEASE ABATEMENT

Pursuant to Order No. 1 filed in this Docket on March 9, 2021, DGSP2, LLC ("DGSP2") files this timely status report regarding its efforts to pursue Alternative Dispute Resolution ("ADR") with the Electric Reliability Council of Texas, Inc. ("ERCOT"), and requests that Order No. 1's abatement of this Complaint Docket.

Order No. 1 instructed DGSP2 to seek ADR with ERCOT. DGSP2 followed that instruction and submitted a request for ADR to ERCOT. On May 14, ERCOT emailed DGSP2 that ERCOT will not take action on DGSP2's ADR request.¹ A copy of ERCOT's email transmittal is attached as Attachment A.

Having sought ADR as instructed in Order No. 1 to no avail, DGSP2 asks that this Docket no longer be abated, and that this contested case be allowed to proceed at the Commission. DGSP2 does not believe that the complaint in this Docket presents any disputed questions of fact. Accordingly, the Commission can decide the issues in this Docket through briefing and/or argument without referring this proceeding to the State Office of Administrative Hearings.

¹ DGSP2 has intervened in the following suits related to the Winter Storm but notes that the issues, Commission Rules, and ERCOT Protocols at issue in those proceedings differ from those in this Complaint: *Luminant Energy Co., LLC v. Public Utility Commission of Texas*, No. 03-21-00098 (Tex. App.—Austin, filed Mar. 3, 2021); *Luminant Energy Co., LLC v. Public Utility Commission of Texas*, No. 03-21-00108 (Tex. App.—Austin, filed Mar. 8, 2021); and *Exelon Generation Co., LLC v. Public Utility Commission of Texas*, No. D-1-GN-21-001772 (filed Apr. 19, 2021 in the 53rd Judicial Dist., Travis Cnty.)

WHEREFORE, PREMISES CONSIDERED, DGSP2 respectfully requests the issuance of an Order terminating the abatement of this Docket and for the briefing of the issues outlined in DGSP2's March 8, 2021 Complaint in this Docket.

Respectfully submitted,

[s] *Barry Hammond*
Barry Hammond
Texas Bar No. 24059883
General Counsel
DGSP2, LLC
1302 Waugh Drive #539
Houston, Texas 77019
(832) 819-1020 - Telephone
(832) 827-4280 - Facsimile
bhammond@aspirecommodities.com

Attorney for DGSP2, LLC

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing document has been served on the Commission Staff, ERCOT's General Counsel, and the Office of Public Utility Counsel by hand delivery, fax, electronic mail, or first class United States mail, postage prepaid on this the 10th day of June, 2021.

_____[s] *Barry Hammond*_____

Barry Hammond

From: Kane, Erika <Erika.Kane@ercot.com>

Sent: Friday, May 14, 2021 2:08 PM

To: Barry Hammond <bhammond@aspirecommodities.com>; Adam Sinn <asinn@aspirecommodities.com>

Cc: Morehead, Juliana <Juliana.Morehead@ercot.com>; Seely, Chad <Chad.Seely@ercot.com>; ADR <ADR@ercot.com>

Subject: DGSP2 / DGS ADR filed May 7, 2021

Dear Mr. Hammond,

This notice confirms receipt of the request by DGSP2, LLC and Distributed Generation Solutions, LLC (DGSP2 and DGS) for Alternative Dispute Resolution (ADR), which was received by Electric Reliability Council of Texas, Inc. (ERCOT) on May 7, 2021

The ADR states that the relief sought is a “price correction,” and it specifically requests that “energy prices from the beginning of the EEA3 load shed at 1:20 AM on February 15, 2021 onward through the issuance of the Commission’s February 15 Order be corrected to the offer cap as required under the Protocols.”

Please note that ERCOT Protocol Section 20.1(2) provides as follows:

- (2) Only a Counter-Party may request ADR to seek correction of Settlement data and resettlement, except that:
 - (a) A Market Participant that is not a Counter-Party may submit an ADR request seeking correction of Settlement data and resettlement on behalf of an affected Counter-Party upon providing ERCOT written documentation executed by the Authorized Representative of the Counter-Party designating the Market Participant as the Counter-Party’s agent for purposes of submitting the ADR request; and
 - (b) A Load Serving Entity (LSE), with its Counter-Party, or a Transmission and/or Distribution Service Provider (TDSP) may submit an ADR request for correction of Electric Service Identifier (ESI ID) service history, usage information, and/or resettlement, as set forth in these Protocols and the Retail Market Guide.

Because the ADR filed by DGSP2 and DGS requests the correction of energy prices in ERCOT for Operating Day February 15, 2021, the ADR seeks the “correction of Settlement data and resettlement” within the meaning of ERCOT Protocol Section 20.1(2). Neither DGSP2 nor DGS is a registered ERCOT Counter-Party. Accordingly, per the language of ERCOT Protocol Section 20.1(2)(a), DGSP2 and DGS can only request an ADR seeking the correction of prices if they provide ERCOT with written documentation that they have been delegated authority to act as the agent of a registered ERCOT Counter-Party. DGSP2 and DGS have not provided any documentation that they have authority to act as an ERCOT Counter-Party’s agent.

In light of the foregoing, ERCOT hereby provides DGSP2 and DGS with notice that ERCOT is not authorized under the ERCOT Protocols to consider DGSP2 and DGS’s request for ADR because DGSP2 and DGS do not have standing to utilize the ADR procedure to seek the correction of ERCOT Settlement data, including the correction of energy prices.

At this time, no further action will be taken by ERCOT on the ADR request filed by DGSP2 and DGS. Should DGSP2 and DGS obtain the written documentation from their Counter-Party that is required by ERCOT Protocol Section 20.1(2), the ADR may be refiled for further consideration by ERCOT.

Should you have any questions, please do not hesitate to contact me.

Erika Kane

Sr. Corporate Counsel
Electric Reliability Council of Texas, Inc.
512.225.7010
erika.kane@ercot.com

Confidentiality Notice: The information contained in this email message and any attached documents may be privileged and confidential and is intended for the addressee only. If you received this email in error, please notify the sender immediately.

From: Barry Hammond <bhammond@aspirecommodities.com>
Sent: Thursday, May 6, 2021 5:14 PM
To: ADR <ADR@ercot.com>
Cc: Adam Sinn <asinn@aspirecommodities.com>
Subject: dgsp adr(84142641.1).pdf

******* EXTERNAL email. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. *******

Please see the attached ADR request form and supporting documents.

Thank you,

Barry Hammond

Barry M. Hammond, Jr.
General Counsel
Aspire Power Ventures, LP
Bhammond@aspirecommodities.com
O: (832) 819-1020
M: (713) 634-8660